

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 08-69518

CORY D. RUSCH, and  
JESSICA M. RUSCH,

Chapter 7

Judge Thomas J. Tucker

Debtors.

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**ORDER DENYING DEBTORS' MOTION TO REINSTATE  
CHAPTER 7 CASE**

This case is before the Court on Debtors' amended "Motion to Reinstate Chapter 7 Bankruptcy Case," filed on January 15, 2009 (Docket # 19, the "Motion"), which this Court construes as a motion for reconsideration of the Court's December 18, 2008 Order dismissing this case (Docket # 12).

The Court has reviewed and considered the Motion, and finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. First, the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), Fed.R.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

Second, the first Notice of Missing Documents, which Debtors' attorney received on December 2, 2009, required that several missing documents, including the Means Test form, the Schedules, and the Statement of Financial Affairs, all be filed no later than December 17, 2009. That deadline was not altered by the second Notice of Missing Documents, which Debtors' attorney received on December 3, 2009. That second notice concerned only the missing credit

counseling certificate.

Accordingly,

IT IS ORDERED that the Motion is DENIED.

**Signed on January 20, 2009**

/s/ Thomas J. Tucker

**Thomas J. Tucker**

**United States Bankruptcy Judge**